

### **REMARKS**

The Examiner's indication of allowable subject matter of claims 1-7 is noted with appreciation.

Claims 1-14 are pending in the application. Allowed claims 1-7 remain unchanged. Claims 8-14 have been revised to comply with commonly accepted US patent practice, without otherwise touching the merits. The Abstract has been also amended. No new matter has been introduced through the foregoing amendments.

The Examiner's rejection of claims 8-14 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter is respectfully traversed, because claims 8-14 are directed, *not* to a computer program *per se* as alleged by the Examiner, but to a computer readable recording medium which fits well in one of four statutory classes, i.e., manufacture.<sup>1</sup> Therefore, the 35 U.S.C. 101 rejection of original claims 8-14 is improper and should be withdrawn.

Furthermore, Applicants have revised claims 8-14 to positively include the language commonly accepted in US patent practice. In particular, claims 8-14 now recites a "computer-readable recording medium containing therein a computer program which, when executed by a computer, causes the computer to perform the method for generation of the 2-dimensional motion path claimed in" claims 1-7, respectively. Thus, claims 8-14 are now directed to a proper computer readable medium encoded with a computer program that can function with a computer to effect a useful, concrete and tangible result, thereby satisfying the practical application test.<sup>2</sup> The result is useful, concrete and tangible because it is the same as the result of the method for generation of the

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<sup>1</sup> 35 U.S.C. §101. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

<sup>2</sup> A claim to a proper computer readable medium (not e.g. a signal) encoded with functional descriptive material that can function with a computer to effect a useful, concrete and tangible result (e.g. running an assembly line or executing a stock transaction) satisfies the practical application test. See, USPTO's Overview of Interim Guidelines for Subject Matter Eligibility available in html format at [http://www.uspto.gov/web/offices/pac/compexam/interim\\_guide\\_subj\\_matter\\_eligibility.html](http://www.uspto.gov/web/offices/pac/compexam/interim_guide_subj_matter_eligibility.html) and in PowerPoint format at [http://www.uspto.gov/web/offices/pac/compexam/interim\\_101\\_business\\_partnership\\_rev\\_4-201.ppt](http://www.uspto.gov/web/offices/pac/compexam/interim_101_business_partnership_rev_4-201.ppt), slides 26, 29.

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2-dimensional motion path claimed in *allowed* claims 1-7, respectively.

Accordingly, Applicants respectfully submit that claims 8-14 are directed to statutory subject matter and requests that the 35 U.S.C. 101 rejection be withdrawn.

Claims 8-14 are also believed patentable over the art, at least, by virtue of their dependency on allowed claims 1-7, respectively.

Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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